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Excellence
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AN
APPEAL
TO ALL WHO CAN CONSCIENTIOUSLY DECLARE
THEMSELVES TO BE REAL
FRIENDS AND SUPPORTERS
OF
THE CHURCH OF ENGLAND,
ESPECIALLY TO THE
NOBILITY, GENTRY, LAND & TITHE OWNERS OF ENGLAND,
AND TO
MEMBERS OF HER LEGISLATURE.

BY
ONE OF THEMSELVES.

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AN APPEAL,

&c.

BROTHERS AND FRIENDS,

Is your professed attachment to the Church of England one of words alone, or can you, in your own closets, call Him whom you acknowledge as its divine head, to witness, that your allegiance is sincere? and moreover, that you wear in your hearts the badge of that corps of his Church militant, in which you stand enrolled? Are you fully impressed with the necessity of having an Established Church in this country? Are you convinced of the usefulness, excellence, and general perfection of that which exists? If you can to yourselves honestly answer these questions in the affirmative, then, surely, you will not hesitate to lend your zealous co-operation to a measure, visibly tending to add most materially to the efficiency of that Church; unless indeed you can clearly satisfy your own minds, that the seeming benefit would be fal-

lacious, from the violation of some open, straightforward principle of justice by the measure proposed.

I may be a visionary perhaps, but I entreat you not to dub me so at once, because I do not happen to be a great and known authority, without just taking the trouble of reading what I have to say, and honestly judging for yourselves how much truth it contains.

I do not profess to argue with technical special pleaders: let those play with sophistries who think them either useful or becoming, where the question sought is plain honourable truth, and the interest to be affected, Religion. Whoever knows and feels in his own conscience any thing, I say, to be intrinsically true, let him act upon it, upon his honour and his faith. If he knows and feels the contrary, let him reject it. There are two modes by which men imagine themselves to decide fairly upon causes, involving principle, which are laid before them. The one is, by examining and sifting, and then forming an honest judgment upon their own innate knowledge and feelings of right and wrong. The other, and far the most common, is, a mere question, not of from what, but from whom, does the proposition emanate, and rejecting it unexamined, if its author be either unknown or uncelebrated. This last judgment I confess I fear, and with sufficient reason: of the former I have little dread.

What then is the real end proposed to be attained by all those schemes for what has been termed "Secular Reform of the Church?" with so many of which we have been favoured? It is simply this—The augmentation of small livings to a point, which shall enable a good and sufficient minister of the Church to reside in comfort and respectability upon every cure; that is to say, upon every such district as shall come fairly within the compass of one man's clerical labour. For this truly desirable object it has been proposed, arbitrarily and violently to interfere with the whole existing distribution of Church property—to destroy one venerable, and, though grossly libelled and traduced, by no means in reality useless arm of our Church; and, as has been well proved, to destroy it to little other effect than that its plunder should be swallowed up in expensive commissions. Another plan, the principle of which was adopted in the Irish Church Bill of last year, was to raise money for this purpose by taxing the incomes of the beneficed Clergy, in a ratio increasing with their value. Although I must always hold this increasing ratio to be both mischievous and unjust, yet, as a measure in part, I can see no real objection to an *ad valorem* tax upon rectorial tithes in the hands of the Clergy. Still, however, I must contend that this burden, more especially as an exclusive burden, would not be put upon the right shoulders; and that one grand source of the exist-

ing evil has been overlooked. The beneficed Clergy, I say, do already bear a fair share of the burden of supporting the poorer ministry, in the stipend which the law already compels them to pay their curates, where either they themselves are non-resident, or where their duties are too extensive for their own individual labour. I do not design here to enter upon the question of Pluralities, or to say one word either in attack or defence of them. But I do contend that the real root of the evil complained of, lies elsewhere, namely, in what is comprised in some dozen unintelligible terms of impropriations, appropriations, &c. &c. In plain English, where the livings themselves are insufficient for the decent maintenance of a resident Clergyman, by reason of the great tithes, whether in technical law existing or not existing, being in other hands than those of the clerical incumbent. And I contend that no measure, which takes one sixpence from the incomes of the Clergy, will be just and fair, unless it also compels these properties to support their fair and rightful portion of the burden. We have heard much about tithes of late, but who ever imagined even, their origin, or indeed their existence, at any time or any where, not theoretically at least, connected with the support of religion? Alienated portions may now have become private property. Be it so. But where this alienation has extended to such a degree as to defeat the original beneficial object of the existence of

such property altogether, it is indeed high time, in these days of Reform, for the Legislature to interfere, and compel this alienated property to do just as much as shall be needful to rectify the very serious evil which its alienation from its original destination has mainly caused. I cannot see that any body could justly complain of such compulsion; and very sure am I that any proprietor, in whose heart exists a real conviction of the inestimable benefit of such a Church as ours, (and I do not say this merely religiously but politically,) and any true sense of patriotism or of religious responsibility, as regards the possession of property, would not only recognise the justice of such measure when once passed, and quietly submit, but even gladly hail what, at probably an insignificant cost to himself, would go far to remedy evils he must deplore, and to establish the pervasive efficiency of the Church. I say, therefore, tax the whole tithe of *all* land alike, and the tax will fall lightly upon each, and the sum raised be such as will be really effective. In answer to an objection which has been made from high authority, that such a scheme would be "ripping up titles," I unhesitatingly deny that it need have any thing whatever to do with titles; that it would even be necessary to know who is the *de facto* possessor of the property taxed. For example, look at the collection of the old income tax. This tax was levied from the person in whose possession the property

was found, and he by the same law was empowered to deduct the same proportion from others who had legal claims upon the income arising from that property, viz. mortgagees and other annuitants. Thus a tax upon tithe (and valuation, commutation, modus, or other payment in lieu of tithe, might be counted for tithe itself) might be levied where it arises, and the payer be in like manner empowered to set off the same amount from his payment to the recognised proprietor or claimant, whose title might not only remain unquestioned, but his very name unknown.

And now for another charge. It is said, it would be so unjust to Dissenters who have purchased and paid full value for this description of property. Would those who use this argument make a special exception of Dissenters in a measure of confiscation, or what is likely to happen, forcible commutation of tithe for less than its actual value? But I really cannot see in what this injustice consists, beyond the injustice of any other tax that may be imposed by the Legislature for the general welfare, according to existing institutions. I may buy property, say a plot of land at its full, or more than its full value; I may build a house upon it, or do any thing else, the outlay of which, I can never hope to regain by sale, and yet both this purchased property, and my additions to it, are liable to a new tax or to an increase of tax.

The hardship, then, to the Dissenter, consists in

his being taxed for an object to which he is particularly averse. But this is really mere trifling; we might as well have talked of the hardship of Dissenters being obliged to contribute, through general taxation, to the Parliamentary grants for building Churches. A whig being taxed to carry on the late war, or a quaker being taxed at all, for it would be difficult to find any thing to which he could not *conscientiously* object. But then if this is so very hard upon the Dissenter, what business has the Dissenter with such property at all? He is holding a species of property which essentially forms part of an established Church, without which, it never would have existed, and it is not the individual but the property that is taxed. Now, every property has certain liabilities in its very nature, whether they have been contemplated by the owner or acquirer, or whether they have not. When the Legislature interfered with property in boroughs or in slaves, who ever dreamt of justifying such interference by the tenets and consciences of the holders? for, a holder of either, might legally have been of such tenets that, one might in vain have sought to prove upon him any crime or inconsistency with reference to his own moral or religious opinions. For my part, the very last person from whom I would hear an objection in a movement of this kind, would be from a known enemy, who had thus acquired a footing in the camp. But after all, if I am to suppose my Dis-

senter a rational and zealous Christian, as many I am bound to believe are, he must, unless indeed he has already entered into a league of active warfare against the Establishment, and in which case, we also have rights of belligerents; he must, I say, see, as well as I could were I a resident proprietor in a catholic or presbyterian country, that his general cause i. e. that of Christianity, good order, morality, and consequent happiness, must be the gainer by the efficiency of whatever Church is established, even though he himself, as an individual, may not, in all particulars, agree with it so far as to be able to unite himself to its communion. If not so good as he thinks it might be, yet he must, if he will, be able to see that it is a vast deal better than none, and its regular duties far too important to be left to precarious fulfilment. If therefore he is a good and sincere general Christian, and a well-disposed subject, I think I may fairly set his own good sense and feeling against his objections. If he is other than what I have described, an enemy, merely seeking to retain an annoying position by aid of legal technicalities, and sophistical pleas of abstract individual right, then, I say, the good of the Church should be preferred.

But then it is said again, that this plan would do injustice to the proprietor of tithe-free lands. Now, this also I deny, as to fair honest truth. Whatever special or technical objections might be urged in his behalf, he would suffer no real injus-

tice, and pay nothing but what, in fairness, he ought to pay. Let us take first, the case of lands tithe free, from having belonged to religious establishments now suppressed, and held by gift of the crown. These lands under their former possessors, paid no tithes of course, because the land and the tithe all belonged to the same owners ; but those owners virtually paid in lieu of tithe by maintaining upon those properties, in whole, or in due part, an official, who performed the duties of parish priest. The property contributed its share to the public service in this particular.

Whatever, therefore, the technical arguments may be, it is, in plain common sense, monstrous to assert that those to whom these estates were transferred, are justified by the nature of the holding itself, in concluding themselves, under all circumstances, absolutely exempt from any contribution to the national welfare, in that very point, above all, where the fact of their possession creates or greatly augments the deficiency in the public service. Had the tithe of these estates been reserved to endow a parish rectory in lieu of what the former clerical owners supplied, I grant no further claim could have been made. But it is the very fact of their being held tithe-free, that, in my opinion, at least, renders them subject to that call.

The strongest case, perhaps, against me, that is to say, which drives me in my turn most to argu-

ments of abstract right, is the case of proprietors of lands tithe-free from usage (*i. e.*), the tithe of which, from various circumstances, has never been granted to a Church. I do not wish to snarl at the advantages which such lands, perhaps, as the world now stands, somewhat unduly possess, or to interfere with them more than is actually necessary for the manifest benefit of the whole, and of themselves among the rest.

Whatever they may have been formerly, these lands are now as productive, as well peopled, and receive as much benefit from the Church as others. They have long enjoyed all the advantages of the establishment, such as it has been, without contributing to its support; and if this is left to them undisturbed, surely, when an improvement is to be made, by which they, in general, must receive more benefit, it cannot be unjust that they should be required to pay their share of the expence of that improvement. Neither need there be any jealousy or outcry about these lands being "*tithed*," for in fact they would not be *tithed*. Nor is it at all necessary to my object, that in their case it should be called by that name. The customary value of the tithe of land of any given description, is now, I believe, all over England a known proportion of the valuation. For instance, let the value of tithe be supposed to be five shillings in the pound, and say that the tax upon that tithe is five per cent., then, the tax upon tithe-free land would be three-

pence in the pound of its annual value ; no very exorbitant demand, I think, for the same advantage for which its neighbours are charged five shillings, the four and ninepence difference remaining a clear and wholly unearned advantage to the *ill-used* party.

I own it is a matter of most melancholy surprise to me that among so many English gentlemen of undoubted honour and liberality, who voted last year for imposing an exclusive, and, in many cases, exorbitant tax, upon a most meritorious, and generally poor body of men ; a body too who had special claims to protection, as from not being directly represented, they are deprived of the constitutional privilege (so much dwelt upon of late,) of taxing themselves ; in voting, I say, for the imposition of this tax, to meet an exigency of which their own lay impropriations are one great cause, that it should have occurred to no one¹ to propose bearing their own share of the burden ; while the calumniated and maltreated Clergy submitted, for the most part, uncomplaining to the impost, nor seemed to feel its wrong. Now, what did the schedule of the Irish Bill designate as a rich living, to be taxed in consequence with an enormous per centage ? a thousand a year ! So, that if the same plan is to be followed in England, a

¹ The proposition was made in the House of Lords, but it was then too late, as this branch of the Legislature has no power even to alter any tax, as sent up from the Commons, in the most minute degree. Vide report of speech at the end.

clergyman who has a living to this amount, and who almost necessarily, from the very circumstances of extent or population which cause it to be of this value, must pay one, or perhaps two curates, besides innumerable other demands out of it, is to be further rated in increased ratio upon the whole, while the lay impropiator, who, I must still contend, is a sort of mere sleeping partner, paying no curate, and subject to not half the demands, is still to enjoy his portion unmolested. Take, for example, the case of the parish from which I write. The living is a Vicarage of two united parishes, value, together, about 350*l*. while the Rectorial tithes in possession of myself and an adjoining proprietor amount to eight or nine hundred. The man who performs the office which caused tithes to exist, is to be taxed upon his 350*l*. and our eight or nine hundred is not to be touched. Moreover, he is to be thus taxed, because perhaps a neighbouring parish cannot support its minister, a great part of it being Abbey land, given by Henry VIII. to my ancestor, and consequently tithe-free. Yet we are told, that it would be subversive of all right to compel me to pay a smaller *ad valorem* duty for the same object. How smaller, you may ask. Because, in all cases where tithe-free estates exist, the local consequences, from a variety of causes, are not the same; (for instance, the Vicarage above mentioned as to be taxed, is itself above the value estimated as necessary);

and a general tax would raise a fund sufficient to rectify the whole together.

But the mention of this case reminds me, that I have omitted to notice one of the most common cases of lay tithe holders — those who hold by lease from clerical corporations. Here, if the annual rent is sufficient to cover the tithe tax, the arrangement would proceed as above, the lessee deducting what he pays or loses, from his own annual payment to the lessor. If not sufficient, I see nothing for it but to leave it to the parties to make an equitable arrangement at the next renewal¹; the nature of the case seems to admit of no further interference. It should be remembered that these leases are universally upon very beneficial terms to the lessee, who has had, and will have great counterbalancing advantages to any trifling loss he may, in some very few cases, possibly sustain, both in the general benefit, and for the most part, in money actually realized at the expense of the Church; and he ought not to complain if such general arrangement as I am now advocating should compel him to pay a small rate in aid of the necessities of his immediate benefactor, and for an object which should be equally dear to himself. But there is nothing like illustration, so I will again intrude my own case. I hold great

¹ No body however need be much alarmed about this, as these reserved annual rents will almost certainly average 5 per cent. upon the value, which is probably enough.

tithes from several chapters at small reserved rents (of course in some degree made proportionate by renewal fines), bearing different proportions to their actual value; some would be sufficient to cover the amount of any probable tax, some might not; but, if the tax should in any case exceed the annual rent, and leave me, for the time being, a loser of some small portion of it, my next renewal fine must be so much less, in as much as the lease to be paid for will be so much less valuable; and for my loss in the mean time, I must be content with the general advantage of which I, in common with all others, must partake, in the increased real efficiency of the Church. It may certainly be something deducted for the general good, from my strictly honest gains, but still, from my *gains* from that body in whose behalf it is required. It would, in fact, be similar to a rate in aid of a liberal superior, to enable him to confer still greater benefit and protection. And ought I or any one similarly circumstanced to complain, if upon an important occasion like the present, and where we have been so mainly instrumental in exhausting the resources of our really liberal superiors, we should, in some difficult and intricate cases, be called upon, not even by them, but by an independent and impartial Legislature, to refund some small portion of their liberality, for the furtherance of an object so beneficial to general religion?

If this is not enough, and you approve the scheme of taxing the Clergy alone for the object sought, I would pray you just to look at the difference of justice and expediency in the two schemes. Take what you would probably consider as the least objectionable case, that of a large living, 1000*l.* a year. From a defenceless man, who, by himself or his curates, whom he pays out of it, does all the duty, and who, you may be sure, does not exact his real due, you take a heavy and serious percentage, probably three times as much as would fall to his share in the other scheme ; you take it from a man whose income is almost necessarily a material benefit to the place where it is raised, and cripple, so far, the means of doing good which his situation compels him to do to the utmost of his power. You do this to spare a trifling exaction from another, who being the main cause of the difficulty, does not contribute a shilling or a shilling's worth of labour to that, of which he enjoys all the benefit. In fine, you levy the tax from a body, whose united income, if equally divided, would not be sufficient to give to each individual the pittance which is admitted to be desirable, and almost absolutely necessary, for him to possess. And, than this, a stronger argument for my scheme, or some similar scheme, could not well be found.

I believe I have now said enough to give a sufficient general idea of the measure I wish to see adopted. Had I a seat in that House of Parlia-

ment, where all measures involving taxation can alone be proposed, the proposition should be made, if not well, at least zealously. As it is, I can only make this urgent appeal to those who have the means of forwarding my views.

If then I shall have succeeded in convincing the conscience of any one who can forward this important object, whether by legal skill, by eloquence, political influence, or even by zeal and a voice in the House of Commons, by his honour and his sincerity let him aid me. Difficulties must be expected, a proposition so new will not be entertained at once; but greater things have been brought to perfection from as small beginnings, and if, as I firmly believe, the principle is sound, and the proposition intrinsically good, we have but to persevere, and we shall triumph.

REPORT

Of a Speech delivered by Lord Gage in the House of Lords, upon presenting an Amendment to the 14th clause of the Irish Church Bill.

Lord G. stated his object to be, to secure that this injustice upon the Clergy should not pass the House of Lords, without at least a proposal to remove it. He called upon the House rather to resent a proposition which asked them to sanction an exclusive tax upon so meritorious a body as their Clergy, and at the same time to spare themselves, the sleeping partners of the same profits, while they by holding in sinecure a large part of the natural income of the Church, caused one, and that not the least of the evils complained of. He then alluded to the assertion, that the proposed tax was merely a just and beneficial substitution for First Fruits, and by reference to annuity tables, showed, that not only would the hardship of First Fruits be renewed as if by re-valuation, but even added to in most instances, in some, to the enormous extent, ratio 180%. per annum for 1200%. præm. He admitted the competency of Parliament to tax if expedient, but demanded fair play; that all similar property should

be taxed alike, or if any were exempted, that the exemption should be in favour of those who earned their profits. He then adverted to the argument of lay impropriations being hereditary, admitted the argument to be in some degree just were the question one of confiscation, but it being merely one of a contribution to be raised for the general good of that object for which tithes were originally created, he contended that the argument no longer held good. That the justice of the measure proposed proceeded upon the idea of rating property held of the Church to the necessities of the Church, and that therefore a rate in aid was fairly enough chargeable upon all property derived from the same source, and being itself a subtraction from the total amount of the tithe of produce originally devoted to the Church. He expressly denied calling in question the rights of holders either of tithe or Church lands, exemplifying his assertion by the extension of the income tax to mortgagees and annuitants, who paid their shares without detriment to their rights. He argued that tithe being the allotment assigned by law to the Church, whoever held this tithe to his own use, under whatever title or pretence, was *bonâ fide* a holder of what formed a part of the gross income, or naturally, according to fair principles of general contribution, and the original creation of tithes, should form a part of the gross income of the Church, and was therefore rateable to this tax. He regretted that

the title of the Bill prevented his including in his amendment lands held tithe-free by usage or by gift of the crown, but contended that the tithe of these also, should, in equity, be included; for although he admitted the pleas as good titles to the property itself, yet they would be ridiculous as pleas of exemption from any other tax, and therefore could not be admitted here. He contended that, even in the case of a lessee of the Church, although the lessor was taxed for what he received, yet, that the lease being always highly beneficial, the lessee, as a sort of retainer to the Church of which he held, became liable to his rate in aid, for what he enjoyed out of the income of the Church. And as for the lay impropriator, he could see no difference between him and the clerical proprietor, for as for the argument of purchase, no more injustice would be done by taxing this kind of purchase than any other, as was done every day, or as actually proposed in the clause, upon purchased advowsons. He then reminded the House that the evils to be remedied, resulted as much from the poverty of a large portion of the parochial Clergy, as from the impatience of the thoughtless and dissentient at tithes and Church rates, and contended that to attempt to remedy these by taxing the less distressed portion of the Clergy alone, must be inadequate, when it had been clearly proved that the net income of the Church, if equally divided, would afford but a very incompetent pittance to

each claimant. He begged the House, therefore, not to insult the Clergy by an imposition comparatively useless, which, in the eyes of the common enemies of Church and Peerage, would bear rather the character of a slur cast upon the performance of their official duties, than of any fair levy upon their incomes for real utility ; if, by any exertion upon the part of the House of Lords, they could remove the inequality of justice, and add, at the same time, to the efficiency of the measure, by extending its operation to those who had so long been profiting at the expence of the Church.

PROTEST

*Upon the third reading of the Irish Church Bill.
By the same Peer.*

Dissentient ; Because I consider the tax proposed to be levied on the tithes and Church lands of the Clergy alone, for the purposes stated in the preamble of this Bill, to be partial and unjust in principle, and inadequate to the objects proposed.

Secondly ; Because a more efficient tax for those purposes might, with equal ease, and more justice, be levied on the entire tithes of the whole kingdom of Ireland, instead of being exclusively charged on a body of men who, from their character, office, and circumstances, have peculiar claims to indulgence, and who, although proposed to be taxed in their Ecclesiastical capacity, are, in that capacity, unrepresented in the Commons' House of Parliament.

Thirdly ; Because I consider that, assent given to this tax, as thus imposed, not upon a particular species of property generally and equally, but upon the Clergy by name, and in the invidious scale of the Schedule, to be calculated to degrade both

Church and Peerage in the eyes of their common enemies, and to excite in them feelings of evil triumph rather than to conciliate them by just concession.

THE END.

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